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EXTRAORDINARY

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No. 50-2024/Ext.] CHANDIGARH, FRIDAY, MARCH 22, 2024 (CHAITRA 2, 1946 SAKA)

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, SECTOR-17, PANCHKULA-134109

Notification

The 22nd March, 2024

No. SEC/4E-II/2024/182.— Whereas general elections for the post of Sarpanch, Gram Panchayat Buana Lakhu, Block Israna, District Panipat were held on 02.11.2022 alongwith the general elections of Panches and Sarpanches of all Gram Panchayats in ten districts namely Bhiwani, Fatehabad, Jhajjar, Jind, Kaithal, Mahendergarh, Nuh, Panchkula, Panipat and Yamuna Nagar..

2. And whereas the Hon'ble High Court of Punjab and Haryana, Chandigarh in CWP No. 25694 of 2022 titled "Kuldeep Singh Versus State of Haryana" had passed the following orders on 11.11.2022:

"The grievance of the petitioner is that he has been duly elected as the Sarpanch of Gram Panchayat Buana Lakhu and Form No.19 and Form No. 21 B dated 02.11.2022 (Annexure P-1 and P-2) have been issued in this regard. However, in his absence Form No. 21-B (Annexure P-3) has been issued in favour of respondent No. 5-Mohit Kumar.

Notice of motion.

On the asking of the Court, Mr. Ankur Mittal, Additional Advocate General, Haryana accepts notice on behalf of State Election Commission- respondent No. 2 and seeks time get instructions.

Listed on 29.11.2022.

In the meantime, respondents are directed not to issue any notification with respect to village Buana Lakhu."

3. And whereas, in compliance with the above orders of the Hon'ble High Court of Punjab and Haryana Chandigarh, the State Election Commission had not notified name of the elected Sarpanch of Gram Panchayat Buana Lakhu, Block Israna, District Panipat.

4. Now the Deputy Commissioner-cum-District Election Officer (P), Panipat *vide* letter No. 1883/Panchayat, dated 22.03.2024 has requested to notify name of the Sarpanch, Gram Panchayat Buana Lakhu in compliance with the orders dated 05.03.2024 passed by Hon'ble High Court of Punjab and Haryana, Chandigarh, in CWP No. 25694 of 2022 titled Kuldeep Singh versus State of Haryana and others, which is reproduced as under:-

"In view of the above, the instant writ petition is allowed. It is held that after the petitioner was duly declared elected as Sarpanch of Gram Panchayat Buana Lakhu and Form 19 and Form 21-B stood issued in favour of the petitioner, then subsequent to declaration of such result, the respondent No. 4 did not have the jurisdiction to alter or change or correct the so-called mistake in Form 19 and Form 21-B in favour of respondent No.5.

Consequently, the action of the concerned authority to declare respondent No. 5 – Mohit Kumar as elected Sarpanch by issuing a revised/fresh Form 19 and Form 21-B, in his name, subsequent to declaring petitioner as elected Sarpanch of village Buana Lakhu upon issuance of Form 19 and Form 21-B, in the name of petitioner; is declared illegal and accordingly the Election Certificate Form No. 21-B dated 02.11.2022 (Annexure P-3), issued to respondent No. 5 (Mohit Kumar) is set aside. Respondent No. 4 is directed to notify the name of the petitioner as an elected Sarpanch of Gram Panchayat Village Buana Lakhu and respondent No. 4 is directed to ensure that the petitioner is administered oath of office of the post of Sarpanch within a period of 15 days from the date of presentation of copy of this order. However, liberty is given to respondent No. 5 to challenge the election of the petitioner by filing an election petition under Section 176 of Haryana Panchayati Raj Act, 1994 and it is hoped that the petition filed by respondent No. 5 will be disposed off by the Election Tribunal as early as possible but latest within 3 months after the service of notice.

23. No other point has been urged.

24. The instant petition is accordingly disposed of in the aforesaid terms.

25. All pending application (s), if any, shall also stand disposed of.”

5. Now therefore, in compliance with the above orders of the Hon’ble High Court of Punjab and Haryana, Chandigarh, in pursuance of the provisions of sub-section (4) of section 161 of the Haryana Panchayati Raj Act, 1994, I, Dhanpat Singh, State Election Commissioner, Haryana hereby notify name of Sh. Kuldeep Singh S/o Sh. Hoshiar Singh as Sarpanch, Gram Panchayat Buana Lakhu, Block Israna, District Panipat. He will now hold the office for the remaining period of the term of that office for which he has been elected.

DHANPAT SINGH,
State Election Commissioner, Haryana.